

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Patent Processing
OMB Control Number 0651-0031
2026

Background

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 to examine an application for patent and, when appropriate, issue a patent. The USPTO is also required to publish patent applications, with certain exceptions, promptly after the expiration of a period of eighteen months from the earliest filing date for which a benefit is sought under Title 35, United States Code (“eighteen-month publication”). Certain situations may arise which require that additional information be supplied in order for the USPTO to further process the patent or application. The USPTO administers the statutes through various sections of the rules of practice in 37 CFR Part 1.

Rulemaking 0651-AD92

In RIN 0651-AD92 (Conditions for Additional Information and Fee in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay) published on June 24, 2026,¹ the United States Patent and Trademark Office (USPTO) is requiring additional information whenever the delay in taking certain actions in patent applications and patents is more than one year, instead of requiring additional information whenever the delay was more than two years. This action is being taken to increase certainty and predictability concerning patent rights, and to encourage the timely filing of grantable petitions to revive applications, accept delayed maintenance fee payments, accept delayed priority or benefit claims, and seek relief from time limits in connection with international design applications. In addition, the USPTO is changing the conditions for when the corresponding petition fee is required.

In support of RIN 0651-AD92 ,the USPTO is adjusting the estimated annual burden hours and non-hour costs in this information collection. The Rule increases the estimated time for response for Item 7 (Petition for Revival of an Application for Patent Abandoned Unintentionally) and Item 8 (Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing) from 1 hour to 1.2 hours. Additionally, the Rule changes the estimated number of fees paid associated with these items.

Itemized Changes

Table 1: Changes in Hourly Burden

Item No.	Item	Current Annual Hourly Burden	New Annual Hourly Burden	Change in Annual Hourly Burden
7	Petition for Revival of an Application for Patent Abandoned Unintentionally	7,024	8,429	+1,405

¹ <https://www.govinfo.gov/content/pkg/FR-2026-06-24/pdf/2026-12717.pdf>

8	Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	125	150	+25
	Totals	7,149	8,579	+1,430

Table 2: Changes in Fee Responses

Item No.	Fee Code	Fee Amount	Item	Current Annual Fee Responses	New Annual Fee Responses	Change in Annual Fee Responses
7	1453	\$2,260	Petition for Revival of an Application for Patent Abandoned Unintentionally (undiscounted)	2,323	696	-1,627
7	2453	\$904	Petition for Revival of an Application for Patent Abandoned Unintentionally (small entity)	3,388	2,959	-429
7	3453	\$452	Petition for Revival of an Application for Patent Abandoned Unintentionally (micro entity)	1,313	2,147	-834
8	1453	\$2,260	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing (undiscounted)	94	15	-79
8	2453	\$904	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing (small entity)	19	64	+45
8	3453	\$452	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing (micro entity)	12	46	+34
8	1468	\$3,000	Petition for revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, or for the delayed response by the patent owner in any reexamination proceeding, delay greater than two years (undiscounted)	44	174	+130
8	2468	\$1,200	Petition for revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, or for the delayed response by the patent owner in any reexamination proceeding, delay greater than two years (small entity)	109	740	+631
8	3468	\$600	Petition for revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, or for the delayed response by the patent owner in any reexamination proceeding, delay greater than two years (micro entity)	76	537	+461
			Totals	7,378	7,378	+0

Table 3: Changes in Non-hour Cost

Item No.	Fee Code	Fee Amount	Item	Current Cost (a)	New Cost (b)	Change in Non-hour Cost Burden (b) - (a) = (c)
7	1453	\$2,260	Petition for Revival of an Application for Patent Abandoned Unintentionally (undiscounted)	\$5,249,980	\$1,572,960	-\$3,677,020
7	2453	\$904	Petition for Revival of an Application for Patent Abandoned Unintentionally (small entity)	\$3,062,752	\$2,674,936	-\$387,816
7	3453	\$452	Petition for Revival of an Application for Patent Abandoned Unintentionally (micro entity)	\$593,476	\$970,444	+\$376,968
8	1453	\$2,260	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing (undiscounted)	\$212,440	\$33,900	-\$178,540
8	2453	\$904	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing (small entity)	\$17,176	\$57,856	+\$40,680
8	3453	\$452	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing (micro entity)	\$5,424	\$20,792	+\$15,368
8	1468	\$3,000	Petition for revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, or for the delayed response by the patent owner in any reexamination	\$132,000	\$522,000	+\$390,000

			proceeding, delay greater than two years (undiscounted)			
8	2468	\$1,200	Petition for revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, or for the delayed response by the patent owner in any reexamination proceeding, delay greater than two years (small entity)	\$130,800	\$888,000	+\$757,200
8	3468	\$600	Petition for revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, or for the delayed response by the patent owner in any reexamination proceeding, delay greater than two years (micro entity)	\$45,600	\$322,200	+\$276,600
			Totals	\$9,449,648	\$7,063,088	-\$2,386,560

Summary of Changes

The aforementioned rulemaking results in the increase of 1,430 annual burden hours and a decrease of \$2,386,560 in annual non-hourly costs to collection 0651-0031.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Annual Number of Responses	2,435,597	0	2,435,597
Annual Time Burden (Hr)	535,466	+1,430	536,896
Annual Non-Hour Cost Burden (\$)	418,399,275	-2,386,560	416,012,715

0651-0031's revised burden is as follows:

- 2,435,597 annual responses (unchanged)
- 536,896 annual hourly burden
- \$416,012,715 in annual non-hourly burden costs